

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

IN RE:

Case No. 09-69934

Chapter 13

Hon. McIvor

Lyle Yerke,

Debtor.

_____/

CHRISTOPHER E. FRANK (P67169)
THE LEDUC GROUP, PLLC
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Attorney for Creditor
117 W. 4th Street, Ste 201
Royal Oak, MI 48067
(248) 667-7445

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MOTION FOR RELIEF FROM AUTOMATIC STAY

NOW COMES, Christian Financial Credit Union by and through its attorneys, The Leduc Group, PLLC and for its Motion for Relief from Automatic Stay states as follows:

1. Christian Financial Credit Union holds a perfected security interest in a collateral namely, 2003 Dodge Ram 1500. A copy of the secured documents and Loan documents are attached as exhibits.
2. The payoff on the debtor's account as of July 25, 2010, including late fees and miscellaneous charges, was \$7,854.43.
3. The fair market retail value of the vehicle is approximately equal to the payoff on the account.
4. According to the Trustee records, Debtor is not current in their payments to the Trustee.
5. Payments to Trustee are past due one month as of July 25, 2010.
6. That to creditors knowledge and belief the debtor has passed away and the vehicle is no longer necessary for the effective reorganization.
7. Pursuant to 11 U.S.C. 362(d) Creditor has shown good cause for the automatic stay to be lifted.
8. Pursuant to L.B.R. 9014-1(g), concurrence of relief was sought on July 25, 2010 and the debtor's attorney did not agree with Creditor's requests for relief.
9. Christian Financial Credit Union's collateral position in the debtor's vehicle is being eroded and Creditor is being denied Adequate Protection of its interest in the vehicle which debtor is continuing to use and which is depreciating in value.
10. Upon reasonable investigation, there are no other parties claiming an interest in the vehicle.

WHEREFORE, Christian Financial Credit Union, requests that an Order to Lift Stay be entered to permit it to retake possession and sell the aforesaid vehicle and that this Order become effective upon its entry by waiver of L.B.R. 4001 (a)(3).

Dated: July 25, 2010

By: /S/ Christopher E. Frank
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ORDER LIFTING AUTOMATIC STAY

WHEREAS Creditor, Christian Financial Credit Union having filed a Motion for Relief from the Automatic Stay and Notice and Opportunity for Hearing having been submitted and no objections having been filed hereto;

IT IS HEREBY ORDERED that the Stay afforded by 11 U.S.C. § 362 is lifted so as to permit«Creditor», its successors and assigns, to enforce its interest, retake possession and sell the Collateral namely, Christian Financial Credit Union

IT IS HEREBY ORDERED that any surplus funds resulting from the sale of the vehicle will be turned over to the Chapter 13 Trustee for the benefit of the estate.

IT IS FURTHER ORDERED that notwithstanding Rule 4001 (a)(3), may execute on its Order immediately. This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other Chapter of Title 11 of the United States Bankruptcy Code.

“EXHIBIT A”

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NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY

Christian Financial Credit Union has filed papers with the court for relief from the automatic stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to order relief from the automatic stay, or if you want the court to consider your views on the motion, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:

United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Christopher E. Frank Esq.
The Leduc Group, PLLC
117 W. 4th Street, Ste 201
Royal Oak, MI 48067
cfrank@bankruptcymanagementgroup.com

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated : 07/25/10

The Leduc Group, PLLC

By: /S/ Christopher E. Frank

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PROOF OF SERVICE

Christopher E. Frank hereby certifies that on 07/25/10 he served a copy of the following documents via ECF filing or US First Class Mail:

- **Motion for Relief for Relief from the Automatic Stay**
- **Notice of Motion for Relief from the Automatic Stay**
- **Proposed Order**
- **Proof of Service**

upon:

David Ruskin, Trustee
Michael Griener, Debtor's Counsel

Via: First Class Mail
Lyle Yerke, Debtor
21809 Revere, St. Clair Shores, MI 48080

Dated: 07/25/10

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